

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

CONTINUED VIDEOTAPED DEPOSITION OF DON BURNETTE

San Francisco, California

Friday, October 13, 2017

Volume II

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2727778

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1 Q. You say, Hi Claire, trying to work with
2 Orange folks to get our planning framework on their
3 system ASAP, so I would love it if we could get
4 these accounts set up for them.

02:13:32

5 You knew what Orange meant, right?

02:13:41

6 A. Yes. That's right.

7 Q. Orange is a code name for Uber, right?

8 A. That's right.

9 Q. Okay. Now, I want to go earlier in
10 time -- and, actually, before I do that, let me
11 just step back.

02:13:52

12 Exhibit 7909, what are you talking about
13 in this email thread?

14 A. Can I read it?

15 Q. Sure.

02:14:03

16 A. Yeah, so this was just a request for
17 certain folks at Uber to get access to our
18 repository.

19 Q. And was someone expressing concern about
20 that?

02:14:29

21 A. Claire was, yes.

22 Q. And what did she say?

23 A. Would you like me to read her email?

24 Q. Sure.

25 A. She says, This is private IP/trade

02:14:45

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02:14:48

1 secret. Unless they share their code, I wouldn't
2 share anything.

3 Q. And what was Claire's position at this
4 time?

5 A. I don't know.

02:14:57

6 Q. What was her general role at Otto at this
7 time?

8 A. She was leading the perception/methods
9 passing frameworks software.

10 Q. She worked on the software team at Otto?

02:15:16

11 A. She worked on the software team. That's
12 right.

13 Q. She -- she says, when someone asked to
14 share the code with Uber, quote, This is private
15 IP/trade secret.

02:15:31

16 Right?

17 A. She did say that.

18 Q. And then you didn't disagree with that in
19 this email thread, did you?

20 A. I did not disagree with that, no.

02:15:53

21 Q. And sitting here today, you don't
22 disagree that the Otto motion planner is private
23 IP/trade secret, right?

24 MR. BARTLETT: Objection.

25 THE DEPONENT: I don't actually know what

02:16:03

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

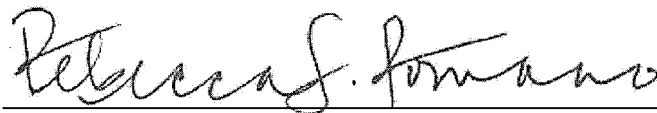
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: October 16, 2017

22
23 

24 Rebecca L. Romano, RPR,
25 CSR. No 12546